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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,935	03/18/2004	Douglas J. Ranalli	08579.7001-02-000	5158

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EXAMINER

WENDELL, ANDREW

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/802,935

Applicant(s)

RANALLI ET AL.

Examiner

Andrew Wendell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152..

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-16, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maggenti et al. (US Pat Appl# 2003/0012149) in view of Szurkowski (US Pat# 6,417,933).

Regarding claim 1, Maggenti et al. method for providing group communication services teaches a method comprising a wireless phone 208-210 (Fig. 3), having push-to-talk (PTT) functionality and registered with a PTT server (Sections 0056 and 0066), sending a request for a PTT session to the PTT server (Sections 0203-0343), the request including a unique identifier of a destination network computer, accessible on a public data network, having PTT functionality and not registered with a PTT server (abstract, Sections 0015, and 0203-0343); the PTT server receiving the request and sending a query for a PTT address for the destination network computer to a directory service accessible on the public data network (Figs. 2 and 3 and Sections 0203-0343); the directory service receiving the query and returning the PTT address to the PTT server (Sections 0203-0343); and the PTT server receiving the PTT address and sending a request for a PTT session to the destination network computer (Sections

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0203-0343). Maggenti et al. fails to teach a public data network and unique identifier for the priority date of 6/5/1998.

Szurkowski's teleconferencing and facsimile communications method teaches a request including a unique identifier 208 (Fig. 3A) of a destination network computer, accessible on a public data network 163 (Fig. 1).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a public data network and unique identifier as taught by Szurkowski into Maggenti et al. method for providing group communication services in order to cut down traveling costs, time, and increasing productivity (Col. 1 lines 43-46)

Regarding claim 2, the combination including Szurkowski teaches wherein the public data network is the Internet (Col. 4 lines 41-43).

Regarding claim 3, the combination including Maggenti et al. teaches wherein the PTT address is a Session Initiation Protocol (SIP) address (Sections 0203-0343).

Regarding claim 5, the combination including Szurkowski teaches wherein the directory service issues the unique identifier to the destination network computer (Col. 6 lines 2-33).

Regarding claim 6, it would be obvious wherein the unique identifier is a telephone number with a # prefix. Both Maggenti and Szurkowski teach a unique identifier and having any symbol prefix is obvious.

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a prefix in the

unique identifier into a public data network and unique identifier as taught by Szurkowski into Maggenti et al. method for providing group communication services in order to increase security and easier to note the unique identifier.

Regarding claim 7, it would be obvious wherein the unique identifier is a fixed or variable length number or name with a # or * prefix. Both Maggenti and Szurkowski teach a unique identifier and having any symbol prefix is obvious.

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a prefix in the unique identifier into a public data network and unique identifier as taught by Szurkowski into Maggenti et al. method for providing group communication services in order to increase security and easier to note the unique identifier.

Regarding claim 8, Maggenti et al. teaches a push-to-talk (PTT) server (Sections 0056 and 0066), containing means for querying a directory service, accessible on a public data network, with a unique identifier to obtain a PTT address for initiating a PTT session with a destination network computer not registered with a PTT server (Figs. 2 and 3, abstract, Sections 0015, and 0203-0343). Maggenti et al. fails to teach a public data network and unique identifier for the priority date of 6/5/1998.

Szurkowski's teaches a unique identifier 208 (Fig. 3A) of a destination network computer, accessible on a public data network 163 (Fig. 1).

Regarding claim 9, the combination including Maggenti et al. teaches wherein the means for querying includes means for querying a DNS directory service (Sections 0203-0343).

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Regarding claim 10, the combination including Maggenti et al. teaches wherein the means for querying includes means for receiving the PTT address (Sections 0203-0343).

Regarding claim 11, the combination including Maggenti et al. teaches means for sending a PTT session request to the destination network computer (Sections 0203-0343).

Regarding claim 12, the combination including Maggenti et al. teaches means for receiving a PTT session response from the destination network computer (Sections 0203-0343).

Regarding claim 13, the combination including Maggenti et al. teaches means for accessing a user equipment registered with the PTT server, means for receiving a request for a PTT session with the unique identifier, and means for sending the user equipment a session response (Sections 0203-0343).

Regarding claim 14, Maggenti et al. teaches a directory service (Section 0078 and 0203-0343), residing on a computer, accessible on a public data network, and containing a unique identifier and an associated PTT address of a network computer having PTT functionality and accessible on the public data network (Figs. 2 and 3, abstract, Sections 0015, and 0203-0343). Maggenti et al. fails to teach a public data network and unique identifier for the priority date of 6/5/1998.

Szurkowski's teaches a unique identifier 208 (Fig. 3A) of a destination network computer, accessible on a public data network 163 (Fig. 1).

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Regarding claim 15, the combination including Szurkowski teaches wherein the public data network is the Internet (Col. 4 lines 41-43).

Regarding claim 16, the combination including Maggenti et al. teaches wherein the PTT address is a Session Initiation Protocol (SIP) address (Sections 0203-0343).

Regarding claim 18, it would be obvious wherein the unique identifier is a number or name. Both Maggenti and Szurkowski teach a unique identifier and having any number or name is obvious.

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a name or number in the unique identifier into a public data network and unique identifier as taught by Szurkowski into Maggenti et al. method for providing group communication services in order to increase security and easier to note the unique identifier.

Regarding claim 19, the combination including Maggenti et al. teaches wherein the directory service is a domain name system (DNS) directory service.

3. Claims 4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maggenti et al. (US Pat Appl# 2003/0012149) in view of Szurkowski (US Pat# 6,417,933) and further in view of Kaneko et al. (US Pat Appl# 2005/0221842).

Regarding claim 4, Maggenti et al. method for providing group communication services in view of Szurkowski's teleconferencing and facsimile communications method teaches the limitations in claims 1 and 3. Maggenti et al. and Szurkowski fails to teach a SIP-URI address.

Kaneko et al. position management server and mobile communication system teaches wherein the SIP address is a SIP-URI that can be further resolved into an IP address and a port number for receiving PTT sessions at the destination network computer (Sections 0139-0142 and 0163-0167).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a SIP-URI address as taught by Kaneko et al. into a public data network and unique identifier as taught by Szurkowski into Maggenti et al. method for providing group communication services in order to enable a session to be initiated even when the terminal can not be connected (Sections 0006-0007).

Regarding claim 17, Kaneko et al. teaches wherein the SIP address is a SIP-URI that can be resolved into an IP address and a port number for receiving PTT sessions at the network computer (Sections 0139-0142 and 0163-0167).

4. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maggenti et al. (US Pat Appl# 2003/0012149) in view of Szurkowski (US Pat# 6,417,933) and further in view of Crockett et al. (US Pat Appl# 2003/0154249).

Regarding claim 20, Maggenti et al. system for providing group communication services in view of Szurkowski's teleconferencing and facsimile communications system teaches the limitations in claim 14. Maggenti et al. and Szurkowski fails to teach a resource record.

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Crockett et al. apparatus for removing a member from an active group call in a group communication network teaches wherein the directory service stores the PTT address as a resource record (Sections 0043-0044).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a resource record as taught by Crockett et al. into a public data network and unique identifier as taught by Szurkowski into Maggenti et al. system for providing group communication services in order to improve removing a member from an active group call (Section 0011).

Regarding claim 21, Crockett et al. further teaches wherein the format of the resource record is one or more of a Naming Authority Pointer (NAPTR), Service (SRV), and A record (Sections 0043-0044).

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maggenti et al. (US Pat Appl# 2003/0012149) in view of Mumick et al. (US Pat Appl# 2005/0136955).

Regarding claim 22, Maggenti et al. method for providing group communication services teaches establishing a push-to-talk session between an inviting user and an invited user (Sections 0203-0343) comprising a situation when the invited user is not available to accept a push-to-talk session (Sections 0203-0343). Maggenti et al. fails to teach a recorded message.

Mumick et al. techniques for combining voice with wireless text short message services teaches when the invited user is not available to accept a push-to-talk session,

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the user equipment of the invited user signaling the inviting user to record a push-to-talk message (Section 0047).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a recorded message as taught by Mumick et al. into Maggenti et al. method for providing group communication services in order to reduce costs (Section 0005).

Response to Arguments

Applicant's Remarks	Examiner's Response
<p>"In summary, the core difference between the primary reference Maggenti and the present claims is that Maggenti requires pre-registration of every CD with the CM. In contrast, Applicant claims a destination network computer that is not "registered" with the PTT server."</p>	<p>In section 0015 and the abstract of Maggenti it clearly states "The CM allows users other than those in the wireless communication system to participate in group communications (i.e. PTT)." If the user is not on the communication system, it is not registered or pre-registered before the group communications (i.e. PTT) start. Hence the examiner's prior art continues to read on the claims as written given the broadest reasonable interpretation. The applicant is invited to amend the claims such that this point "not registered" is further defined which would cause the</p>

	examiner to narrow his interpretation and perhaps obviate Maggenti.
"Still further, Maggenti expressly distinguishes and teaches away from teleconference systems, the subject matter of the secondary reference Szurkowski. Therefore, there can be no prima facie case of obviousness."	2. In response to applicant's argument that Maggenti teaches away from teleconference systems, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See <i>In re Keller</i> , 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Both Maggenti and Szurkowski teach communication systems for group communication. Therefore, it would be obvious to combine.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Wendell whose telephone number is 571-272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Andrew Wendell
Examiner
Art Unit 2618

3/21/2007


NAY MAUNG

SUPERVISORY PATENT EXAMINER